

U.S.S.N. 10/064,682

7

201-0496 (FGT 1557 PA)

REMARKS

Claims 1-26 are pending in the present application. Claims 1-26 were rejected under 35 USC 102(b) as being anticipated by McGrath et al (US 5,620,236).

The Examiner rejected Claims 1-26 under 35 USC 102(b) as being anticipated by McGrath et al (US 5,620,236). The Applicant respectfully traverses this rejection and requests reconsideration in light of the following arguments. The Applicant respectfully incorporates by reference the arguments in the previous office action response. Those arguments that are not readdressed here are done so in an effort to be concise as well as to narrow the discussion of allowability.

Regarding diagnostic communication between the trailer and the vehicle controller, the Applicant respectfully traverses the Examiner's rejection. The Applicant notes that the Examiner has taken apparent official notice of the asserted well-known in the art "to constantly monitor the operation and functionality of brake systems on both vehicles and trailers". The Applicant respectfully traverses this assertion.

In regards to independent claim 11 and its respective dependent (12-19) claims, the limitation of the claim as filed wherein "vehicle brake pressure input providing vehicle brake pressure from said anti-lock braking system to said control element" was dismissed as incorporated by McGrath's reference to US 4,295,687. The Applicant respectfully traverses a rejection. The McGrath reference teaches use of an anti-lock braking system to provide "vehicle speed, vehicle deceleration, brake failure, brake application, and changes in road surface conditions" (see column 19 lines 34-36). The McGrath reference does NOT however teach determining vehicle brake pressure through communication with the anti-lock braking system as claimed by the present invention. While the reference 4,295,687 does refer to the use of a pressure transducer assembly 13 for monitoring hydraulic fluid pressure, this cannot be broadly read (as asserted) the anti-lock braking system. The office action asserts that the anti-lock braking system comprises many components, one of which is the hydraulic piping. The Applicant respectfully traverses this assertion. Using similar logic, the tires that transmit the braking force to the ground, the brake pedal within

U.S.S.N. 10/064,682

8

201-0496 (FGT 1557 PA)

the vehicle, and even the master cylinder reservoir would all be considered part of the anti-lock braking system. This, however, is NOT what the industry considers the anti-lock braking system and therefore does not read on the claimed limitations of the present invention. Furthermore, the assertions throughout prosecution of the Applicant that this is NOT part of the anti-locking braking system is enough to support that as a limitation. The clear and unambiguous limitation of the scope of the claims in these response provides a clear limitation on the claim (Omega Engineering Inc, v. Raytek Corp. 334 F.3d 1314, 67 U.S.P.Q.2d 1321, Fed. Cir.(Conn.), Jul 07, 2003). The Applicant, therefore, respectfully requests reconsideration.

Finally, and most importantly, the Applicant calls the Examiner's attention to claims 23-26 added in the last response from the applicant. The Applicant notes that the limitations within these claims cannot be summarily dismissed by referencing McGrath's disclosure of modifying a signal according to brake pressure. The Applicant notes that the claims include limitations of gradual and step function outputs not taught by the McGrath reference. Furthermore, the Applicant notes that automatically increasing the gain of the output in response to changes in vehicle speed is neither taught nor discussed in the cited references. Therefore, the Applicant traverses the rejection as failing to disclose the limitations of claims 23-26 nor in any way supporting a 102(b) rejection.

CONCLUSION

The Applicant would like to thank the Examiner for his assistance. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited.

U.S.S.N. 10/064,682

9

201-0496 (FGT 1557 PA)

Should the Examiner have any questions or comments that would place the application in better condition for allowance, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,



Thomas Donohue

Reg. No. 44,660

Artz & Artz, P.C.

28333 Telegraph Road, Suite 250

Southfield, MI 48034

(248) 223-9500

(248) 223-9522 (Fax)

Dated: March 29, 2004